

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

WSOU INVESTMENTS, LLC D/B/A	)	
BRAZOS LICENSING AND	)	
DEVELOPMENT,	)	
	)	
Plaintiff,	)	C.A. No. 21-cv-01117-MN-CJB
	)	C.A. No. 21-cv-01119-MN-CJB
v.	)	C.A. No. 21-cv-01120-MN-CJB
	)	
NETGEAR, INC.,	)	
	)	
Defendant.	)	
	)	

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**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to Paragraph 12 of the Court’s Scheduling Order, Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff”) and Defendant Netgear, Inc. (“Defendant”) (collectively, “the Parties”), by and through their respective attorneys, hereby submit the attached Joint Claim Construction Chart (Ex. A) identifying the terms the Parties contend that the Court should construe after a meet and confer conducted on July 12, 2022.

In addition to setting forth the parties’ agreed-upon proposed constructions, this chart identifies the disputed claim terms and the parties’ proposed constructions of those terms and supporting intrinsic evidence. Citations to patent column and line numbers are in column:line format. Each citation to a figure incorporates by reference, as if fully set out herein, any associated description or discussion of the figure. Similarly, each citation to a description or discussion of any figure incorporates by reference each figure described or discussed as if fully set out herein.

Each party reserves the right to rely on other portions of the intrinsic record to refute positions taken by the other party during the *Markman* proceedings. Additionally, each party

reserves the right to assert that its proposed construction is supported by the ordinary meaning of the term, and to introduce extrinsic evidence to the extent the Court permits such evidence.

Below is a listing of the asserted claims.

U.S. Patent No. 7,512,096: claims 1-3 and 10;

U.S. Patent No. 9,338,171: claims 1, 7-10, and 16-17; and

U.S. Patent No. 7,551,630: claims 1-4, 6, 10, and 12.

Copies of the asserted patents and file histories relied upon are attached as the following exhibits:

Exhibit B: U.S. Patent No. 7,512,096

Exhibit C: U.S. Patent No. 9,338,171

Exhibit D: U.S. Patent No. 7,551,630

Exhibit E: Excerpts from the File History of U.S. Patent Application No. 13/720,339

Dated: July 14, 2022

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served or delivered electronically to all counsel of record on this 14<sup>th</sup> day of July, 2022, via the Court's CM/ECF System.

/s/ James Michael Lennon

James Michael Lennon

Exhibit A: Joint Claim Construction Chart for  
U.S. Patent Nos. 7,512,096; 9,338,171; and 7,551,630

No.	Claim Term	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
1.	<b>"Single carrier frequency"</b>  (U.S. Patent No. 7,512,096, Claim 1)	No construction necessary - plain and ordinary meaning.	<b>'096 patent specification:</b>  1:57-60; 6:32-35; 7:17-24.	Indefinite.  Alternatively, if the Court determines that the term can be construed: "same frequency"	1:57-60; 2:67-3:5; 5:40-45; 6:32-35, 7:17-24; 12:41-44
2.	<b>"Discriminating transmissions of said first and said second data on a downlink in said radio frequency communication based on a spatial dimension"</b>  (U.S. Patent No. 7,512,096, Claim 1)	No construction necessary - plain and ordinary meaning.	<b>'096 patent specification:</b>  1:60 – 2:3; 7:26-30; 8:17-29.  Figure 2, 5.	Indefinite.  Alternatively, the Court should find that this term does not limit the claim.	1:57-60, 7:26-30
3.	<b>"Substantially concurrently"</b>  (U.S. Patent No. 7,512,096, Claim 1)	No construction necessary - plain and ordinary meaning.	<b>'096 patent specification:</b>  6:32-39; 6:52-54; 6:59-64; 7:30-35; 9:54-65.  Figure 2, 8.  <b>Prosecution History:</b>	Indefinite.  Alternatively, if the Court determines that the term can be construed: "at the same time"	Abstract, 1:57-60; 3:62-67; 4:32-37; 5:19-24; 5:46-52; 6:32-39, 6:52-54, 7:6-12; 7:17-24; 7:30-35; 8:52-57; 9:38-45; 9:62-10:3; 12:31-36

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			REM - Applicant Arguments/Remarks Made in an Amendment (dated 06/20/2008), p. 2-3.		
4.	<b>“Social networking groups”</b>  (U.S. Patent No. 9,338,171, Claims 1, 8, 10, 17)	No construction necessary - plain and ordinary meaning.	<b>‘171 patent specification:</b>  5:17-25; 13:10-28.	“A limited number of people who are associated with the host user in a defined manner”	5:16-25, 6:30-45, 7:30-33, 10:53-56, 13:15-28, 14:36-45, 15:55-65, 17:41-44
5.	<b>“Membership in the one or more social networking groups”</b>  (U.S. Patent No. 9,338,171, Claims 1, 10)	No construction necessary - plain and ordinary meaning.	<b>‘171 patent specification:</b>  5:25-33; 7:30-33; 7:40-42.	“One of the limited number of people who are associated with the host user in a defined manner”	Abstract, 5:25-33; 7:26-64; 8:12-28, 14:36-45  Exhibit E (Excerpts of FH of US Patent Application No. 13/720,339 and US Patent Publication 2011/0258303 (“Nath”))
6.	<b>“Cause, at least in part, a controlling of access to the one or more resources for one or more other users”</b>  (U.S. Patent No. 9,338,171, Claim 10)	“Cause, at least in part, by an access control platform a controlling of access to the one or more resources for one or more other users”	<b>‘171 patent specification:</b>  5:29-34; 5:42-45; 6:49 - 7:3.  Figure 2	No construction necessary - plain and ordinary meaning.  Alternatively, “allowing, revoking, or preventing a user’s use of a resource”	2:44-49, 4:53-5:1, 5:34-38, 5:63-65, 6:52-7:25, 11:22-12:26, 13:55-14:22, 15:13-16:58, 17:51-60

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7.	<b>Claim as a whole</b>  (U.S. Patent No. 9,338,171, Claim 1)		<b>‘171 patent specification:</b>  1:44 – 2:6.  Figure 3	Indefinite for reciting both an apparatus and a method of using that apparatus. <i>See, e.g., Rembrandt Data Techs., LP v. AOL, LLC</i> , 641 F.3d 1331 (Fed. Cir. 2011).	
8.	<b>“Common processor”</b>  (U.S. Patent No. 7,551,630, Claims 1, 2, 4, 10)	No construction necessary - plain and ordinary meaning.	<b>‘630 patent specification:</b>  3:39-51; 3:57-61; 4:38-47.	Indefinite.  Alternatively, if the Court determines that the term can be construed: “a generic component in a router that receives and processes control packets, but not data packets”	Abstract, 1:16-24; 1:25-3:7, 3:40-50; 4:35-52; 5:23-27
9.	<b>“Control packets”</b>  (U.S. Patent No. 7,551,630, Claims 1, 2, 4, 10)	No construction necessary - plain and ordinary meaning.	<b>‘630 patent specification:</b>  1:13-16.	“Packets that contain data necessary to create a forwarding path and can be adapted”	Abstract, 1:10-16
10.	<b>“Predefined rules and conditions”</b>  (U.S. Patent No. 7,551,630, Claims 1, 2, 4, 10)	No construction necessary - plain and ordinary meaning.	<b>‘630 patent specification:</b>  2:25-42; 5:26-46.	Indefinite.  Alternatively, if the Court determines that the term can be construed: “algorithm that discards control packets based on more	Abstract, 2:28-46; 5:32-57)

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				than just marking alone”	
11.	<b>“Packet stream”</b>  (U.S. Patent No. 7,551,630, Claims 6, 12)	No construction necessary - plain and ordinary meaning.	<b>‘630 patent specification:</b>  3:57-61; 4:23-24.	“Sequence of control packets”	1:64-2:3, 2:32-37, 2:66-3:3; 4:23-24, 4:30-34, 4:53-61, 5:2-5, 5:50-57, 5:67-6:7